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| 09/897,611      | 07/03/2001  | Hak Soo Kim          | CIT/K-149           | 9622             |

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EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2674

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/897,611

Applicant(s)

KIM ET AL.

Examiner

Kevin M. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on April 28, 2005 of R.C.E.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7,9-11,13,14,16 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-11,13,14,16 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 28, 2005 has been entered. An action on the RCE follows:

### ***Specification***

2. The substitute specification filed March 31, 2005 has been entered.

### ***Drawings***

3. The drawings were received on March 31, 2005. These drawings are acknowledged.

### ***Response to Arguments***

4. Applicant's arguments, see pages 12-14, filed March 25, 2005 with respect to the rejection(s) of claim(s) 1-5, 7, 9-11, 13, 14, 16, 24-28 under the statutory basis for the previous rejection have been fully considered and are persuasive. Therefore, the rejection under U.S.C. 112, second paragraph has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

5. This office action is made in response to applicant's amendment filed on March 25, 2005. Claims 6, 8, 12, 15, 17-23 are cancelled, claims 1, 4, 7, 10, 13, 27, 28 are

Art Unit: 2674

amended, and claims 1-5, 7, 9-11, 13, 14, 16, 24-28 are currently pending in the application. An action follows below:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7, 9, 10, 11, 13, 14 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Jankowiak (US 6,313,878).

7. As to claim 7, Jankowiak teaches a method and structure for providing an automatic hardware-implemented screen-saver function to a display product comprising:

determining whether a predetermined amount of the image displayed on CRT screen has been static for a selected predetermined period of time (col. 4, lines 46-49);

selecting screensaver and adjusting the desired detection window size and position to the rectangle and size it to the user's requirement (see detail in col. 6, lines 24-30). Thus, the desired detection window size corresponds to at least one pixel block set;

during the time when the centered block of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a

Art Unit: 2674

low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data is set on ("1") or off ("0") or inverts the display data (see figs. 3 and 4).

Jankowiak further teaches it is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface 120 of Fig. 7 (col. 9, lines 8-11). Thus, Figs. 7 expressly shows a vertical dimension window (a pixel column block set as claimed).

8. As to claim 9, Jankowiak teaches the timing of the two-dimensional detection window and the screen saver timeout selection is accomplished through user input and control of user interface 120 (col. 5, lines 49-52). Thus, dismissing the screen saver modes when the user input and control any input devices, and redisplay the previous screen as claimed.

9. As to claim 10, Jankowiak teaches a method and structure for providing an automatic hardware-implemented screen-saver function to a display product comprising:

- determining whether a predetermined amount of the image displayed on CRT screen has been static for a selected predetermined period of time (col. 4, lines 46-49);

- selecting screensaver and adjusting the desired detection window size and position to the rectangle and size it to the user's requirement (see detail in col. 6, lines 24-30). Thus, the desired detection window size corresponds to at least one pixel block set;

during the time when the centered (row) block of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data is set on ("1") or off ("0") or inverts the display data (see figs. 3 and 4).

Jankowiak further teaches it is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface 120 of Fig. 7 (col. 9, lines 8-11). Thus, Figs. 7 expressly shows a horizontal dimension window (a pixel row block set as claimed).

10. As to claim 11, Jankowiak teaches the timing of the two-dimensional detection window and the screen saver timeout selection is accomplished through user input and control of user interface 120 (col. 5, lines 49-52). Thus, dismissing the screen saver modes when the user input and control any input devices, and redisplay the previous screen as claimed.

11. As to claim 13, Jankowiak teaches a method and structure for providing an automatic hardware-implemented screen-saver function to a display product comprising:

determining whether a predetermined amount of the image displayed on CRT screen has been static for a selected predetermined period of time (col. 4, lines 46-49);

selecting screensaver and adjusting the desired detection window size and position to the rectangle and size it to the user's requirement (see detail in col. 6, lines

Art Unit: 2674

24-30). Thus, the desired detection window size corresponds to at least one pixel block set;

during the time when the centered block (a pixel block set) of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data is set on ("1") or off ("0") or inverts the display data (see figs. 3 and 4).

Jankowiak further teaches it is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface 120 of Fig. 7 (col. 9, lines 8-11). Thus, Figs. 7 expressly shows an adjustable window (a pixel block consisting of  $N1 \times M1$  pixel as claimed).

12. As to claim 14, Jankowiak teaches the timing of the two-dimensional detection window and the screen saver timeout selection is accomplished through user input and control of user interface 120 (col. 5, lines 49-52). Thus, dismissing the screen saver modes when the user input and control any input devices, and redisplay the previous screen as claimed.

13. As to claim 27, Jankowiak teaches a method and structure for providing an automatic hardware-implemented screen-saver function to a display product comprising:

determining whether a predetermined amount of the image displayed on CRT screen has been static for a selected predetermined period of time (col. 4, lines 46-49);

Art Unit: 2674

selecting screensaver and adjusting the desired detection window size and position to the rectangle and size it to the user's requirement (see detail in col. 6, lines 24-30). Thus, the desired detection window size corresponds to at least one pixel block set;

during the time when the centered block of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data are inverse data of the display data (see figs. 3 and 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-5 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jankowiak (U.S. 6,313,878) in view of Reilly et al (US 5,740,549).

15. As to claim 1, Jankowiak teaches a method and structure for providing an automatic hardware-implemented screen-saver function to a display product comprising:

determining whether a predetermined amount of the image displayed on CRT screen has been static for a selected predetermined period of time (col. 4, lines 46-49);

selecting screensaver and adjusting the desired detection window size and position to the rectangle and size it to the user's requirement (see detail in col. 6, lines



Art Unit: 2674

24-30). Thus, the desired detection window size corresponds to at least one pixel block set;

during the time when the centered block of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data is set on ("1") or off ("0") or inverts the display data (see figs. 3 and 4).

Accordingly, Jankowiak teaches all of subject matter claimed except for dividing the display screen into at least two pixel block sets.

However, screen saver divides at least two-image block sets 230a and 230b that has been recognized in fig. 6 as equivalents as evidenced by Reilly et al (see fig. 6, col. 9, line 65 through col. 10, line 2). Reilly et al teach that the benefit of using the "screensaver" mode that supports virtually compatible any type computers and the operation of the most computers (col. 4, lines 16-20).

Moreover, the mere fact that a given structure is integral does not preclude its consisting of various element in making separable of old elements was not to solve an existent problem such inquiry is whether bringing them separately was obvious. Making Separable of Its Parts is normally not directed toward patentable subject matter as desired as was judicially recognized. See *Nerwin v. Erlichmanr*, 168 USPQ 177, 179 (PTO Bd. of Int. 1969).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jankowiak's center block including at least two-image

Art Unit: 2674

block sets, in view of the teaching in the Reilly's reference, because this would provide the "screensaver" mode that prevents burn-in of an image displayed on a screen of display product.

16. As to claim 2, Jankowiak teaches the timing of the two-dimensional detection window and the screen saver timeout selection is accomplished through user input and control of user interface 120 (col. 5, lines 49-52). Thus, dismissing the screen saver modes when the user input and control any input devices as claimed. Thus, it is obvious to display the previous screen.

17. As to claim 3, Jankowiak teaches in addition to timing of the two-dimensional window, the user control the amount of change in the picture that is required to turn off the screen saver function (col. 6, lines 5-7). This can be a very important feature, particularly where the image being displayed has both static and dynamic (changing) portion (col. 9, lines 12-14). Determine whether the video signal has been static for the predetermined period of time (col. 10, lines 26-28). Thus, the dynamic portion is changed without being uniform maintained for a predetermined period of time as claimed.

18. As to claim 4, Jankowiak teaches it is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface 120 of Fig. 7 (col. 9, lines 8-11). Thus, Figs. 7 expressly shows a vertical dimension window (a pixel column block set as claimed), a horizontal dimension window (a pixel row block set as claimed), and an adjustable window (a pixel block consisting of  $N1 \times M1$  pixel as claimed).

Art Unit: 2674

19. As to claim 5, Jankowiak teaches during the time when the centered block of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data is set on ("1") or off ("0") or inverts the display data (see figs. 3 and 4).

20. As to claim 28, Jankowiak teaches during the time when the centered block of video shown in Fig. 3 may be sampled "a" output signal 111 goes to a high ("1") logic state; otherwise, signal 112 is a low ("0") logic state (see detail in col. 5, lines 35-45). Thus, it is anticipated that the screen save mode data is set on ("1") or off ("0") sequentially (see figs. 3 and 4).

21. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jankowiak.

22. As to claim 16, Jankowiak further teaches it is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface 120 of Fig. 7 (col. 9, lines 8-11). Thus, Figs. 7 expressly shows an adjustable window (a pixel block consisting of  $N1 \times M1$  pixel as claimed).

Accordingly, Jankowiak teaches all of subject matter claimed except for the  $N1 \times M1$  pixel block has a size of 11 x 12 pixels or 6 x 12 pixels.

However, Jankowiak further teaches it is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface 120 of Fig. 7 (col. 9, lines 8-11). Thus, Figs. 7 expressly shows an adjustable window (a pixel block consisting of  $N1 \times M1$  pixel as claimed).

Art Unit: 2674

Moreover, the mere fact that changes in Size/Range does not preclude its consisting of various element in change Size/Range of old elements was not to solve an existent problem such inquiry is whether bringing them adjustable Size/Range was obvious. Absent a showing of criticality it would have been within the level of skill in the art and obvious to one having ordinary skill to engineering design the Size/Range of a well-known element is normally not directed toward patentable subject matter as desired as was judicially recognized. See In re Rose, 105 USPQ 237 (CCPA 1955) and In re Reven, 156 USPQ 679 (CCPA 1968).

23. Claims 24, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jankowiak (U.S. 6,313,878) in view of Reilly et al (US 5,740,549).

24. As to claims 24, 25, and 26, Jankowiak teaches all of subject matter claimed except for dividing the display screen into at least two pixel block sets, and at least two N1 x M1 pixel block sets.

However, screen saver divides at least two-image block sets 230a and 230b that has been recognized in fig. 6 as equivalents as evidenced by Reilly et al (see fig. 6, col. 9, line 65 through col. 10, line 2). Reilly et al teach that the benefit of using the "screensaver" mode that supports virtually compatible any type computers and the operation of the most computers (col. 4, lines 16-20).

Moreover, the mere fact that a given structure is integral does not preclude its consisting of various element in making separable of old elements was not to solve an existent problem such inquiry is whether bringing them separately was obvious. Making Separable of Its Parts is normally not directed toward patentable subject matter as

Art Unit: 2674

desired as was judicially recognized. See Nerwin v. Erlichmanr, 168 USPQ 177, 179 (PTO Bd. of Int. 1969).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jankowiak's center block including at least two-image block sets, in view of the teaching in the Reilly's reference, because this would provide the "savesaver" mode that prevents burn-in of an image displayed on a screen of display product.

### ***Response to Arguments***

25. Applicant's arguments filed March 31, 2005 have been fully considered but they are not persuasive. Applicant argues features in the independent claims 1, 4, 7, 10, 13, 27, 28 that are newly recited. Thus, new grounds of rejection have been used. See the rejection above.

### ***Conclusion***

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2674

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the Patent Application Information Retrieval system, see

<http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Kevin M. Nguyen  
Patent Examiner  
Art Unit 2674

KMN  
May 13, 2005

  
**XIAO WU**  
**PRIMARY EXAMINER**